

PATENT COOPERATION TREATY

TRANSLATION

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

(PCT Rule 43bis.1)

To:

Date of mailing (day/month/year) **See Form PCT/ISA/210 (sheet 2)**

Applicant's or agent's file reference
306908

FOR FURTHER ACTION

See paragraph 2 below

International application No. PCT/EP2005/050746	International filing date (day/month/year) 21.02.2005	Priority date (day/month/year) 01.04.2004
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International Patent Classification (IPC) or both national classification and IPC
B24B23/04, B25F5/02

Applicant
ROBERT BOSCH GMBH

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☒ Box No. II Priority
- ☒ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☒ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☒ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA/EP	Authorized officer
Facsimile No.	Telephone No.

WRITTEN OPINION OF THE
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Box No. 1

Basis of this opinion

1. With regard to the language, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language
_____, which is the language of a translation furnished for the purposes of international search (under Rule 12.3 and 23.1(b)).
2. With regard to any nucleotide and/or amino acid sequence disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

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Box No. II

Priority

1. ☐ The following document has not yet been furnished:

☐ copy of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(a)).

☐ translation of the earlier application whose priority has been claimed (Rule 43bis.1 and 66.7(b)).

Consequently it has not been possible to consider the validity of the priority claim. This opinion has nevertheless been established on the assumption that the relevant date is the claimed priority date.

2. ☐ This opinion has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43bis.1 and 64.1). Thus for the purposes of this opinion, the international filing date indicated above is considered to be the relevant date.

3. Additional observations, if necessary:

The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43bis.1 and 64.1) is the claimed priority date.

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Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability

The questions whether the claimed invention appears to be novel, to involve an inventive step (to be non obvious), or to be industrially applicable have not been examined in respect of:

☐ the entire international application

☒ claims Nos. 13, 14

because:

☐ the said international application, or the said claims Nos. _____
relate to the following subject matter which does not require an international preliminary examination (*specify*):

☐ the description, claims or drawings (*indicate particular elements below*) or said claims Nos. _____
are so unclear that no meaningful opinion could be formed (*specify*):

☐ the claims, or said claims Nos. _____ are so inadequately supported
by the description that no meaningful opinion could be formed.

☒ no international search report has been established for said claims Nos. 13, 14

☐ the nucleotide and/or amino acid sequence listing does not comply with the standard provided for in Annex C of the Administrative Instructions in that:

the written form

☐ has not been furnished

☐ does not comply with the standard

the computer readable form

☐ has not been furnished

☐ does not comply with the standard

☐ the tables related to the nucleotide and/or amino acid sequence listing, if in computer readable form only, do not comply with the technical requirements provided for in Annex C-bis of the Administrative Instructions.

☐ See Supplemental Box for further details.

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Box No. IV

Lack of unity of invention

1. ☒ In response to the invitation (Form PCT/ISA/206) to pay additional fees the applicant has:
- ☐ paid additional fees
 - ☐ paid additional fees under protest
 - ☒ not paid additional fees
2. ☐ This Authority found that the requirement of unity of invention is not complied with and chose not to invite the applicant to pay additional fees.
3. This Authority considers that the requirement of unity of invention in accordance with Rules 13.1, 13.2 and 13.3 is
- ☐ complied with
 - ☒ not complied with for the following reasons:

See supplemental sheet

4. Consequently, this opinion has been established in respect of the following parts of the international application:
- ☐ all parts
 - ☒ the parts relating to claims Nos. 1-12, 15, 16

**WRITTEN OPINION OF THE
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International application No.

PCT/EP2005/050746

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	<u>2, 4, 6-9, 12</u>	YES
	Claims	<u>1, 3, 5, 10, 11, 15, 16</u>	NO
Inventive step (IS)	Claims		YES
	Claims	<u>1-12, 15, 16</u>	NO
Industrial applicability (IA)	Claims	<u>1-12, 15, 16</u>	YES
	Claims		NO

2 Citations and explanations:

1 The present application does not meet the requirements of PCT Article 33(1) because the subject matter of claim 1 is not novel within the meaning of PCT Article 33(2).

Document D1 discloses a portable sander comprising a housing 2 which is restricted in its extent essentially to a base area of a sanding plate (cf. figure 1), the housing being provided for accommodating a battery unit 16.

2 The same reasoning correspondingly applies to independent claim 15. The subject matter of claim 15 is therefore not novel (PCT Article 33(2)).

Furthermore, the subject matter of claim 15 is also known from document D5.

3 Dependent claims 2 to 12 and 16 do not contain any features which, in combination with the features of any claim to which they refer, meet the PCT requirements for novelty and inventive step.

The additional features of claims 3, 5, 10 and 11 are

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Box No. V

Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement

also known from D1, and the additional feature of claim 16 is known from D5.

The additional features of claims 4, 7/8 and 12 result in an obvious manner from documents D2, D3 and D4, respectively, see the corresponding passages cited in the search report. In view of common general knowledge in the art, the additional features of claims 2, 6 and 9 cannot justify an inventive step.

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Box No. VI Certain documents cited

1. Certain published documents (Rule 43bis.1 and 70.10)

Application No. Patent No.	Publication date (day/month/year)	Filing date (day/month/year)	Priority date (valid claim) (day/month/year)
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2. Non-written disclosures (Rule 43bis.1 and 70.9)

Kind of non-written disclosure	Date of non-written disclosure (day/month/year)	Date of written disclosure referring to non-written disclosure (day/month/year)
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See form 210

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Supplemental Box

In case the space in any of the preceding boxes is not sufficient.

Continuation of: Box IV

Reference is made to the following documents:

- D1: EP-A-0 232 761 (LEX, FRANZ) 19 August 1987 (1987-08-19)
D2: EP-A-0 610 801 (ROBERT BOSCH GMBH) 17 August 1994 (1994-08-17)
D3: WO 02/053321 A (ROBERT BOSCH GMBH; JONAS, STEPHAN) 11 July 2002 (2002-07-11)
D4: US 2002/134811 A1 (NAPIER JOHN ET AL) 26 September 2002 (2002-09-26)
D5: US-A-4 625 462 (FUSHIYA ET AL) 2 December 1986 (1986-12-02)

The various inventions/groups of inventions are:

1. Claims 1-12, 15, 16

Compact sander comprising a sanding plate or compact sander housing, the housing being provided for accommodating a battery unit.

2. Claims 13, 14

Holding unit for a sander, having a charging connection for connecting to a charger which can be activated when the sander is being used.

For the following reasons, these inventions/groups are not so linked as to form a single general inventive concept (PCT Rule 13.1):

Even without considering the prior art, it can be determined that the features of claim 13 find no correspondence in claims

Supplemental Box

1 and 15. Therefore said groups of claims already lack unity of invention "a priori" (PCT Rule 13.1 and 13.2).

Only the additional feature of independent claim 11 (electrical connection for connecting a charger) could produce a technical relationship between the two groups of claims. However, it can be determined that the subject matter of claim 11 is not novel over D1. This is because D1 already discloses a portable sander comprising a housing 2 which is restricted in its extent essentially to a base area of a sanding plate (cf. figure 1), the housing being provided for accommodating a battery unit 16 and having an electrical connection 18 for connecting a charger. In the absence of special technical features in the first group of claims, there can therefore be no relationship involving the second group of claims.